

## **REMARKS**

Favorable reconsideration and allowance of this application are requested.

### **1. Discussion of Claim Amendments**

The amended version of claim 15 presented above corresponds to the former claim 15 wherein the component of the aqueous antifreeze composition relating to 0.01 to 5% by weight of one more compounds from the group of aliphatic and aromatic monocarboxylic acids having 3 to 16 carbon atoms in the form of their alkali metal, ammonium and substituted ammonium salts is now indicated by numeration "a)". Furthermore component a) is restricted to aliphatic monocarboxylic acids instead of the previously recited aliphatic or aromatic monocarboxylic acids.

The amended version of claim 19 corresponds to the former claim 19 wherein the numeration is adapted to be in accordance with the description. The same amendment applies for the amended version of claim 20.

Claim 21 is reworded to be directed to an antifreeze composition as claimed in claim 20 wherein a combination of one or more substances from the groups a), b), c) and f) is present, wherein

- a) is given by 2-ethylhexanoic acid, para-hydroxybenzoic acid, benzoic acid, isononanoic acid;
- b) is given by sebacic acid or dodecanedicarboxylic acid;
- c) is given by sodium molybdate and sodium metasilicate; and
- f) is given by toluotriazole, benzotriazole, 1H-1,2,4-triazole.

The amended version of claim 21 is supported by the specification on page 10, line 4 to line 7. The specific substances are mentioned in the specification as being part of the respective groups on page 6 to page 8.

It is evident that starting from the preceding sentence on page 10 a combination of one or more substances from the groups a), b), c), d) or f) is represented by former claim 21 since the following sentence refers to the specific substances mentioned in that claim. Since the practitioner in the art can decide in what group the specific substances belong. It is therefore clear that the respective sentence on page 10 concerning the specific substances has to be interpreted as given in new claim 21.

Claims 16-18 and 22 and 23 remain unamended.

Therefore, following entry of this amendment, claims 15-23 will remain pending herein for which favorable action on the merits is solicited.

**2. Response to 35 USC §112 Rejection**

The amendments and comments noted above are believed to render moot the rejection advanced against prior claim 21 under 35 USC §112, second paragraph.

**3. Response to 35 USC §102/103 Rejection**

Prior pending claims 15-23 attracted a rejection under 35 USC §102(b) as allegedly anticipated by or in the alternative under 35 USC §103(a) as obvious over EP '347 (EP 1,170,347). Applicants respectfully disagree.

In this regard, applicants note that EP '347 relates to a composition comprising an aromatic dicarboxylic acid, an aromatic monocarboxylic acid and benzotriazole. One principal difference between the subject matter of present claim 15 and EP '347 is that the former uses an aliphatic, monocarboxylic acid instead of an aromatic carboxylic acid as disclosed in the latter. Thus, EP '347 cannot anticipate or render obvious the presently claimed invention.

Applicants note however WO 01/05906 was cited in the International Search Report is noted in the specification as being relevant prior art.<sup>1</sup> As can be seen from Example 2 of WO '906, a composition is disclosed which includes a dicarboxylic acid, an aliphatic monocarboxylic acid as well as toluotriazole.

A principal difference between the subject matter of present claim 15 and WO '906 is thus given in the ratios of the components (different main component, different ratio mono-/dicarboxylic acid). However, as can be seen from Table 2 on page 12 of the present application, corrosion tests were conducted using compositions of the present invention and a comparative composition according to Example 2 of WO '906 (see column 7). The appearance of the coolant after such test shows that the compositions of the present application give a clear appearance, whereas for the comparative example according to WO '906 yields a cloudy appearance. Therefore, no suggestion is provided by WO '906 to use appropriate weight ratios so as to arrive at a solution as given in present claim 15.

The subject matter of claim 15 of the present application is therefore both novel and non-obvious in view of WO '906 either taken alone or if combined with EP '347 (i.e., because in the latter no hint can be found to use aliphatic monocarboxylic acids instead of aromatic carboxylic acids).

Allowance of claim 15 and claims 16-23 dependent therefrom is therefore solicited.

#### **4. Fee Authorization**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed

---

<sup>1</sup> The WO '906 publication is already of record herein having been considered by the Examiner via the Information Disclosure Statement dated March 4, 2005.

**WENDEROTH et al**  
**Serial No. 10/522,541**  
July 29, 2008

herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:           /Bryan H. Davidson/            
Bryan H. Davidson  
Reg. No. 30,251

BHD:dlb  
901 North Glebe Road, 11<sup>th</sup> Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100